

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWELFTH DAY

(Tuesday, February 21, 2023)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: Birdwell, Eckhardt.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Samuel Brannon, St. Peter's Lutheran Church, Elgin, offered the invocation as follows:

Creator God, thank You for the opportunity to serve Your people. Grant these leaders humility to work in unity with people with which they hold profound disagreements; help them all strive for wisdom and not glory. Bless these Your servants with discomfort at easy answers, half-truths, and superficial relationships so that they may live deep within Your heart. Bless them with anger at injustice, oppression, and exploitation of people so that they may work for justice, freedom, and peace. Bless them with tears to shed for those who suffer pain, rejection, hunger, and war so that You may reach out Your hand to comfort them and to turn their pain to joy. And finally, bless them with enough foolishness to believe that they can make a difference in this world so that they can do what others claim cannot be done to bring justice and kindness to all our children and the poor. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Birdwell was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Eckhardt was granted leave of absence for today on account of illness.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 88th Legislature, now convened:

Legislation providing lasting property-tax relief for Texas taxpayers.

Legislation prohibiting governments from imposing COVID-19 mask mandates, COVID-19 vaccine mandates, or COVID-19 business or school closures.

Legislation promoting education freedom and parental rights.

Legislation relating to school safety.

Legislation reforming the bail system in Texas to end revolving-door bail practices that put dangerous criminals back on the streets.

Legislation relating to securing our southern border.

Legislation addressing the Fentanyl crisis.

Respectfully submitted,

/s/Greg Abbott
Governor

Austin, Texas
February 20, 2023

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

The Senate welcomed Dr. Freeman and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Flores, joined by Senator Zaffirini, was recognized and introduced to the Senate a delegation of Texas Game Wardens and Retired Texas Game Wardens including Colonel Chad Jones, Lieutenant Colonel Ron Vander Roest, Major Luis

Sosa, Major Michael Durand, Assistant Commander Cody Jones, Gillespie County Game Warden Dustin Fleming, Game Warden Peace Officer Association Vice-president Mike Stephens, Normal Anthony, and Adolph Castillo.

The Senate welcomed its guests.

SENATE RESOLUTION 184

Senator Sparks offered the following resolution:

SR 184, Recognizing February 21, 2023, as Panhandle Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Sparks was recognized and introduced to the Senate a Panhandle Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Springer was recognized and introduced to the Senate a University of North Texas delegation including school mascot, Scrappy the Eagle.

The Senate welcomed its guests.

SENATE RESOLUTION 198

Senator LaMantia offered the following resolution:

SR 198, Recognizing February 21, 2023, as Texas Ports Day.

LAMANTIA	HUGHES
ALVARADO	KOLKHORST
CREIGHTON	MIDDLETON
HINOJOSA	NICHOLS
HUFFMAN	WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator LaMantia, joined by Senators Hinojosa, Alvarado, and Creighton, was recognized and introduced to the Senate Texas Ports Association members, directors, and commissioners.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 18**.

SENATE RESOLUTION 197

Senator Kolkhorst offered the following resolution:

SR 197, Recognizing the College of Agriculture and Human Sciences at Prairie View A&M University for its contributions to higher education.

KOLKHORST
MILES
WEST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst, joined by Senators Miles and Whitmire, was recognized and introduced to the Senate College of Agriculture and Human Sciences at Prairie View A&M University students, Texas A&M University Prairie View President and former class president Ruth Simmons, and Waller County Commissioner Henry Jones.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Springer was recognized and introduced to the Senate a Leadership Frisco delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 185

Senator Huffman offered the following resolution:

SR 185, Recognizing February 21, 2023, as Texas Manufacturers' Day.

The resolution was read.

On motion of Senator Menéndez and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Huffman, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Huffman, joined by Senators Menéndez and Bettencourt, was recognized and introduced to the Senate a Texas Manufacturers' Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 191

Senator Kolkhorst offered the following resolution:

SR 191, Recognizing February 21, 2023, as Association of Texas Professional Educators Day.

The resolution was read.

On motion of Senator Hughes and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Kolkhorst, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst, joined by Senator Menéndez, was recognized and introduced to the Senate an Association of Texas Professional Educators Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez, joined by Senator Blanco, was recognized and introduced to the Senate a Texas Academy of Physician Assistants delegation including Ryan English, Janith Mills, Kent Prickett, and Jim Keffer.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

February 15, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Attorney of the 110th Judicial District, Briscoe, Dickens, Floyd, and Motley Counties, for a term until December 31, 2024 or until her successor shall be duly elected and qualified:

Emily S. Teegardin

Quitaque, Texas

(replacing Wade Jackson of Floydada who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

February 17, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Public Safety Commission for a term to expire January 1, 2028:

Lawrence B. "Larry" Long

Dallas, Texas

(replacing Jason K. Pulliam of San Antonio whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

February 17, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Commission on Judicial Conduct for a term to expire November 19, 2023:

Clifford T. "Cliff" Harbin

Montgomery, Texas

(replacing Frederick C. "Fred" Tate of Colleyville who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

February 21, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Pardons and Paroles for terms to expire February 1, 2029:

Elodia G. Brito

Amarillo, Texas

Brian A. Long

Kilgore, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott

Governor

SENATE CONCURRENT RESOLUTION 20

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 88th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 22, 2023, and ending on Tuesday, February 28, 2023.

WHITMIRE

SCR 20 was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Birdwell, Eckhardt.

CO-AUTHOR OF SENATE BILL 47

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 47**.

CO-AUTHOR OF SENATE BILL 147

On motion of Senator Kolkhorst, Senator Springer will be shown as Co-author of **SB 147**.

CO-AUTHOR OF SENATE BILL 175

On motion of Senator Middleton, Senator Bettencourt will be shown as Co-author of **SB 175**.

CO-AUTHOR OF SENATE BILL 176

On motion of Senator Middleton, Senator Bettencourt will be shown as Co-author of **SB 176**.

CO-AUTHOR OF SENATE BILL 182

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 182**.

CO-AUTHOR OF SENATE BILL 189

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 189**.

CO-AUTHORS OF SENATE BILL 222

On motion of Senator Nichols, Senators Blanco and Zaffirini will be shown as Co-authors of **SB 222**.

CO-AUTHORS OF SENATE BILL 224

On motion of Senator Alvarado, Senators Flores and LaMantia will be shown as Co-authors of **SB 224**.

CO-AUTHOR OF SENATE BILL 244

On motion of Senator Kolkhorst, Senator West will be shown as Co-author of **SB 244**.

CO-AUTHOR OF SENATE BILL 273

On motion of Senator Blanco, Senator Perry will be shown as Co-author of **SB 273**.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-author of **SB 287**.

CO-AUTHOR OF SENATE BILL 332

On motion of Senator Kolkhorst, Senator West will be shown as Co-author of **SB 332**.

CO-AUTHOR OF SENATE BILL 410

On motion of Senator Paxton, Senator Middleton will be shown as Co-author of **SB 410**.

CO-AUTHORS OF SENATE BILL 490

On motion of Senator Hughes, Senators Bettencourt and West will be shown as Co-authors of **SB 490**.

CO-AUTHORS OF SENATE BILL 506

On motion of Senator Perry, Senators Bettencourt, Blanco, Creighton, Flores, Middleton, Parker, Sparks, and Springer will be shown as Co-authors of **SB 506**.

CO-AUTHOR OF SENATE BILL 640

On motion of Senator Schwertner, Senator Huffman will be shown as Co-author of **SB 640**.

CO-AUTHOR OF SENATE BILL 651

On motion of Senator Perry, Senator Bettencourt will be shown as Co-author of **SB 651**.

CO-AUTHOR OF SENATE BILL 728

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-author of **SB 728**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Paxton, Senator LaMantia will be shown as Co-author of **SB 807**.

CO-AUTHORS OF SENATE BILL 837

On motion of Senator Perry, Senators Blanco and Hinojosa will be shown as Co-authors of **SB 837**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 37

On motion of Senator Miles, Senator Alvarado will be shown as Co-author of **SJR 37**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 43

On motion of Senator Perry, Senators Blanco and Hinojosa will be shown as Co-authors of **SJR 43**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 179 by Perry, In memory of Michael E. Custy.

Welcome and Congratulatory Resolutions

SR 177 by Schwertner, Welcoming the Texas Association of Otolaryngology Head and Neck Surgery to the State Capitol.

SR 180 by Springer, Recognizing Carla Perry for her service to the Young County community.

SR 181 by Springer, Recognizing Pat Yancey for his induction into the Rodeo Hall of Fame at Tarleton State University.

SR 182 by Springer, Recognizing Race Ricketts for his career in country and western music.

SR 183 by LaMantia, Recognizing Charro Days Fiesta, February 18 through 25, 2023.

SR 189 by LaMantia, Recognizing Lyford Consolidated Independent School District Board of Trustees for being named Texas Outstanding School Board.

SR 193 by Bettencourt, Recognizing Clay Walker for his role in the fight against multiple sclerosis.

Official Designation Resolutions

SR 192 by Springer and Parker, Recognizing February 21, 2023, as University of North Texas Day.

SR 199 by Springer, Recognizing February 21, 2023, as Leadership Frisco Class XXVI Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:05 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

SENT TO SECRETARY OF STATE

February 21, 2023

SCR 18

RESOLUTIONS ENROLLED

February 21, 2023

SR 177, SR 179, SR 180, SR 181, SR 182, SR 183, SR 184, SR 185, SR 189, SR 191, SR 192, SR 193, SR 197, SR 198, SR 199

